

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**WILLIAM TENNIAL,**

**Plaintiff,**

**V.**

**UNITED PARCEL SERVICE, INC.,  
JIM COCHRAN, and MICHAEL  
SLABAUGH,**

## Defendants.

**Case No. 2:13-CV-02277**

**Judge Fowlkes, Jr.**

**Magistrate Pham**

**UNITED PARCEL SERVICE, INC.'S  
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant United Parcel Service, Inc. (“UPS”) moves the Court to dismiss all of Plaintiff’s claims in this case.

Plaintiff is a current Full-Time Supervisor at UPS. For a period of years, he was promoted into the position of Manager. Plaintiff, however, did not meet UPS's performance standards for Managers. He was coached and counseled in an attempt to improve his job performance, but as his annual performance reviews confirm, his performance did not improve to an acceptable level. He was ultimately placed on a Management Performance Improvement Plan ("MPIP"), which he admittedly failed to complete successfully. That admitted failure resulted in his demotion from Manager to Full-Time Supervisor.

In this case, Plaintiff challenges his placement on an MPIP and subsequent demotion -- his admitted and chronic performance shortcomings notwithstanding -- with a bevy of legal claims, brought under the Family and Medical Leave Act (“FMLA”), the Tennessee Human Rights Act (“THRA”), the Age Discrimination in Employment Act (“ADEA”), the Americans

with Disabilities Act (“ADA”), Title VII of the Civil Rights Act of 1964 (“Title VII”), and 42 U.S.C. §1981 et seq. All of Plaintiff’s claims fail as a matter of undisputed fact and law, and UPS is entitled to judgment in its favor.

In support of this Motion, UPS relies upon its contemporaneously-filed Memorandum of Law and Statement of Undisputed Material Facts; excerpts from the Deposition of William Tennial; excerpts from the Deposition of Jim Cochran; excerpts from the Deposition of Michael Slabaugh; excerpts from the Deposition of Richard Williams; excerpts from the Deposition of Jeffrey Hauss; excerpts from the Deposition of Kenneth Harms; the Declaration of Harry Wilson; the Declaration of Jim Cochran; and the declaration of Michael Slabaugh.

s/ Aron Z. Karabel

Waverly D. Crenshaw, Jr.

John E. B. Gerth

Aron Z. Karabel

WALLER LANSDEN DORTCH & DAVIS, LLP

511 Union Street, Suite 2700

Nashville, Tennessee 37219-8966

615-244-6380

615-244-6804 (facsimile)

email: waverly.crenshaw@wallerlaw.com

jeb.gerth@wallerlaw.com

aron.karabel@wallerlaw.com

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the forgoing has been served via the Court's CM/ECF system upon:

Luther Sutter  
Sutter & Gillham, PLLC  
P.O. Box 2012  
Benton, AR 72018

Andrew C. Clarke  
6250 Poplar Avenue  
Second Floor  
Memphis, TN 38119

on this 24<sup>th</sup> day of November, 2014.

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s/ Aron Z. Karabel